

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

---

RICARDO CRUZ,

Plaintiff,

v.

WALMART SUPER CENTER,  
Defendant.

---

:  
:  
:  
:  
:  
:  
:  
:

No. 5:16-cv-03665

**ORDER**

**AND NOW**, this 29<sup>th</sup> day of August, 2017, for the reasons set forth in the accompanying Opinion issued this day, it is **ORDERED** as follows:

1. Wal-Mart's Motion to Dismiss, ECF No. 8, is **GRANTED** as follows:
  - (a) Wal-Mart's Motion to Dismiss Cruz's claims under Title II of the Civil Rights Act of 1964 is **GRANTED without prejudice**.
  - (b) Wal-Mart's Motion to Dismiss Cruz's constitutional claims pursuant to 42 U.S.C. § 1983 is **GRANTED with prejudice**.
  - (c) Wal-Mart's Motion to Dismiss Cruz's claim under the Americans with Disabilities Act is **GRANTED without prejudice**.
  - (d) Wal-Mart's Motion to Dismiss Cruz's claims under the Pennsylvania Unfair Trade Practices and Consumer Protection Law is **GRANTED with prejudice**.
  - (e) The complaint is **DISMISSED**.
2. **On or before September 29, 2017**, Cruz SHALL file an amended complaint, solely for the purpose of addressing the deficiencies identified in the accompanying Opinion with his claims under the Civil Rights Act of 1964 and the Americans with Disabilities Act. Cruz is advised that if he fails to timely file an amended complaint, this case may be dismissed without further notice.
3. The Clerk of Court is directed to mail a waiver of the service of summons form to Wal-Mart's counsel at the address provided in the docket.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge